

REMARKS

SUMMARY

Claims 1-21 are pending in the application. Claims 1-21 were rejected.

Applicants appreciatively acknowledge the Examiner's consideration of and response to Applicants' arguments as presented in the Appeal Brief filed on April 19, 2006.

CLAIM REJECTIONS UNDER 35 U.S.C. § 102

In "Claim Rejections – 35 USC § 102," item 3 on page 2 of the above-identified Office Action, claims 1-6, 8-16, and 18-21 have been rejected as being fully anticipated by U.S. Patent Number 6,993,657 to *Renner et al.* (hereinafter "Renner") under 35 U.S.C. § 102(e). Applicants respectfully disagree.

Claim 1 for a "method of computing comprising:

receiving at execution time, a data processing specification having a first and a second unnested data processing cell specification specifying a first and a second data processing cell respectively, with each data processing cell specification having a plurality of statements including a formula specifying an action or computation, the first data processing cell having a data dependency on the second data processing cell, and specified in a manner to be analyzed before the second data processing cell;

analyzing in real time, the first and then the second data processing cell specification to determine execution order of the actions/computations specified by the first data processing cell specifications, based at least in part on interaction or computation references between the actions or computations specified; and

effectuating the data processing specified by the data processing specification in accordance with the determined execution order of said actions/computations specified by said first and second data processing cell specifications."

In contrast, Renner simply teaches a community server adapted to provide access and management of one or more databases to a connected and authorized user (see Renner, Abstract). The community server of Renner may provide the access and management facilities to users by sending HTML web pages to the users' browsers. As is shown in Tables 2 and 4 of Renner, these HTML web pages can be constructed by by applying eXtensible Stylesheet Language Translation (XSLT) files to XML components. Thus, the database interface may be specified in XML, or the database may answer queries in XML, and the community server of Renner may apply XSLT files to such XML components to generate HTML web pages to send to user browsers, as is known in the art.

Accordingly, Renner merely discloses the use of XSLT to transform XML files into HTML files, as is well known in the art. Nowhere in Renner does one find first and second unnested data processing cell specifications, "with each data processing cell specification having a plurality of statements including a formula specifying an action or computation, the first data processing cell having a data dependency on the second data processing cell, and specified in a manner to be analyzed before the second data processing cell." Further, because of its reliance on the nested, ordered tags of XSLT, Renner does not teach "analyzing in real time, the first and then the second data processing cell specification to determine execution order of the actions/computations specified by the first data processing cell specifications, based at least in part on interaction or computation references between the actions or computations specified."

The Examiner, on page 3 of the Office Action, cites 3 pairs of XSLT lines from Table 4 of Renner as reading on the unnested first and second data processing cell specifications: lines 33 and 34, lines 36 and 37, and lines 39 and 40. Not one of these pairs however, is unnested, as is required of the first and second data processing cell specifications by claim 1. The "<xsl: value-of />" tags, such as those shown in lines 34, 37, and 40 of Table 4, are always nested within the "<xsl:variable />" tags, such as those shown in lines 33, 36, and 39 of Table 4. Accordingly, these pairs of XSLT lines simply cannot read on the unnested first

and second data processing cell specifications. While the XSLT lines of Table 4 do show unnested data processing cell specifications, some specifying formulas or actions, Table 4 does not show “a first and a second unnested data processing cell specification specifying a first and a second data processing cell respectively, with each data processing cell specification having a plurality of statements including a formula specifying an action or computation, **the first data processing cell having a data dependency on the second data processing cell, and specified in a manner to be analyzed before the second data processing cell**” (emphasis added), as is claimed in claim 1. Renner simply does not teach unnested data processing cell specifications having data dependencies on each other.

Even if one were to assume for the sake of argument that Renner discloses or suggests unnested first and second data processing cell specifications having data dependencies on each other (a point with which Applicants strongly disagree), Renner does not teach analyzing “the first and then the second data processing cell specification to determine execution order” of the specified actions/computations. Rejections under 35 U.S.C. §102 require that the reference explicitly or inherently disclose each and every limitation of the rejected claims. Nowhere does one find anywhere in Renner any analysis of execution order of the tag-delimited specifications. Further, by utilizing the ordered tree structure of XSLT, including nesting of data processing cells, Renner arguably teaches away from analyzing the execution order of first and second data processing cells.

The Examiner argues on page 3 of the Office Action that merely “using statements and formula/action inside xsl statement tags to effectuate HTML reads on analyzing and determine order of execution based on tag sequencing of specifications therein.” First, it is important to point out that the language cited by the Examiner as being read upon (“analyzing and determine order of execution based on tag sequencing of specifications”) is not recited by claim 1. Claim 1 recites determining the execution order “based at least in part in interaction or computation references between said actions or computations specified.” “Tag sequencing” does not equate to the claimed “interaction or computation references” by

any stretch of the imagination. Tag sequencing simply implies a structure, not an interaction or a reference, which rather imply a data dependency such the dependency referenced in the receiving operation recited by claim 1.

Accordingly, claim 1 is patentable over Renner under §102.

Claims 11 and 21 recite similar limitations to those recited in claim 1. Accordingly, for at least the same reasons, claims 11 and 21 are patentable over Renner under §102.

Claims 2-6, 8-10, 12-16, 18-20 depend on either claim 1 or 11, incorporating their limitations respectively. Accordingly, for at least the same reasons, claims 2-6, 8-10, 12, 16, 18-20 are patentable over the Renner under §102.

CLAIM REJECTIONS UNDER 35 U.S.C. § 103

In “Claim Rejections – 35 USC § 103” item 5 on page 7 of the above-identified Office Action, claims 7 and 17 have been rejected under 35 U.S.C. § 103(a) as being obvious over Renner as applied to claims 1 and 11 in view of W3C publications “XML Path Language (XPath) Version 1.0” (hereinafter “XPath”) and “XSL Transformations (XSLT) Version 1.0” (hereinafter “XSLT”) that are purportedly stable documents published as W3C recommendations on 16 November 1999. For at least the reasons previously provided, Applicants traverse.

XPath and XSLT, alone or in combination, do not remedy the above-discussed deficiencies of Renner. Therefore, claims 1 and 11 remains patentable over Renner, XPath, and XSLT, alone or in combination, under 35 U.S.C. §103(a).

Claims 7 and 17 depend on claims 1 and 11, incorporating their limitations respectively. Therefore, for at least the same reasons, Claims 7 and 17 are patentable over Renner, XPath, and XSLT, alone or in combination, under 35 U.S.C. §103(a).

RESPONSE TO ARGUMENTS

In “Response to Arguments” item 6 on page 8 of the above-identified Office Action, the Examiner notes that the new ground of rejection renders the arguments offered in Applicants’ April 19, 2006 Appeal Brief moot, but maintains that the prior ground of rejection, *Bex et al*, “A Formal Model for an Expressive Fragment of XSLT”, First International Conference of Computational Logic, London, July 2000, Proceedings; Springer-Verlag, pp. 1137-1151. (hereinafter “Bex”), can be used as an alternate prior art reference to the above discussed Renner. Applicants respectfully disagree. Bex is both unavailable and inapplicable, for the ample reasons provided by the Applicants in the above-identified Appeal Brief. Accordingly, for at least those reasons, Bex does not provide an alternate prior art reference capable of anticipating the present invention as claimed in claims 1-21, or of rendering the invention of claims 1-21 unpatentable, alone or in combination with XPath and/or XSLT.

CONCLUSION

In view of the foregoing, reconsideration and allowance of claims 1-21 are solicited. If the Examiner has any questions concerning the present paper, the Examiner is kindly requested to contact the undersigned at (206) 407-1513. If any fees are due in connection with filing this paper, the Commissioner is authorized to charge the Deposit Account of Schwabe, Williamson and Wyatt, P.C., No. 50-0393.

Respectfully submitted,
SCHWABE, WILLIAMSON & WYATT, P.C.

by: 

Robert C. Peck
Reg. No.: 56,826

Date: September 19, 2006

SCHWABE, WILLIAMSON & WYATT, P.C.
Pacwest Center, Suites 1600-1900
1211 SW Fifth Avenue
Portland, Oregon 97222
Telephone: 503-222-9981